

1 McGREGOR W. SCOTT  
United States Attorney  
2 KRISTI C. KAPETAN  
Assistant U.S. Attorney  
3 3654 Federal Building  
1130 "O" Street  
4 Fresno, California 93721  
Telephone: (559) 498-7316

5 Attorneys for Defendant  
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8 IN THE UNITED STATES DISTRICT COURT FOR THE  
9 EASTERN DISTRICT OF CALIFORNIA

10 TONY SILVA, ) 1:05-cv-0222 REC LJO  
11 )  
Plaintiff, ) STIPULATION AND ORDER  
12 ) TO EXTEND TIME  
13 )  
v. )  
14 )  
JO ANNE B. BARNHART, )  
Commissioner of Social )  
15 Security, )  
16 )  
Defendant. )  
17 )

18 The parties, through their respective counsel, stipulate  
19 that defendant's time to respond to plaintiff's opening brief be  
20 extended from October 31, 2005 to November 30, 2005.

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1 This is defendant's first request for an extension of time  
2 to respond to plaintiff's opening brief. Defendant needs the  
3 additional time to further review the file and prepare a response  
4 in this matter.

5 Respectfully submitted,

6  
7 Dated: October 27, 2005

8 /s/ Gina M. Fazio  
9 (as authorized via facsimile)  
10 /s/ GINA M. FAZIO  
11 Attorney for Plaintiff

12 Dated: October 28, 2005

13 MCGREGOR W. SCOTT  
14 United States Attorney

15 /s/ Kristi C. Kapetan  
16 KRISTI C. KAPETAN  
17 Assistant U.S. Attorney

18 IT IS SO ORDERED.

19 Dated: October 28, 2005  
66h44d

/s/ Lawrence J. O'Neill  
UNITED STATES MAGISTRATE JUDGE